

REMARKS

Claims 1, 2, 41, and 42 are pending in this application. By this Amendment, claims 1 and 2 are amended, claims 41 and 42 are added, and claims 5, 6, 10, 21–23, 30, 36, 39, and 40 are canceled. Support for the amendments to the claims may be found, for example, in the claims and the specification as originally filed. No new matter is added.

In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

I. Personal Interview

The courtesies extended to Applicants' representative by Examiner Marvich at the interview held October 22 are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicants' record of the interview.

II. Claim Objections

The Office Action objects to claims 1 and 2 for informalities. Claims 1 and 2 are amended according to the Examiner's helpful suggestions. Accordingly, reconsideration and withdrawal of the objections are respectfully requested.

III. Enablement Rejection under 35 U.S.C. §112, First Paragraph

The Office Action rejects claims 1 and 20 under the enablement requirement of 35 U.S.C. §112, first paragraph. By this Amendment, claim 20 is canceled, rendering the rejection moot. Reconsideration and withdrawal of the rejection are respectfully requested.

IV. Rejections Under 35 U.S.C. §102

A. Claims 2, 5, and 6

The Office Action rejects claims 2, 5, and 6 under 35 U.S.C. §102(b) over AC000064. By this Amendment, claims 5 and 6 are canceled, rendering their rejection moot. Applicants respectfully traverse the rejection with respect to claim 2.

By this Amendment, claim 2 is amended to recite, "A retroviral RNA molecule, in an isolated or purified state, that is obtainable from tissue, comprising a nucleotide sequence comprising the RNA complement of a functional part of SEQ ID NO:11 that encodes at least one Env retroviral protein" (emphasis added). AC000064 is silent on any ORFs that encode an Env retroviral protein.

AC000064 does not anticipate claim 2. Reconsideration and withdrawal of the rejection are respectfully requested.

B. Claim 10

The Office Action rejects claim 10 under 35 U.S.C. §102(e) over U.S. Patent No. 5,686,247 to Holland et al. ("Holland"). By this Amendment, claim 10 is canceled, rendering the rejection moot.

V. New Claims

By this Amendments, new claims 41 and 42 are presented. Claim 41 depends from claim 2 and, thus, distinguishes over AC000064 for at least the same reasons discussed above with respect to claim 2.

Claim 42 combines, in an independent claim, most of the features previously required by canceled claims 39 and 40. Claims 39 and 40 were objected to as being dependent upon a rejected base claim, but were otherwise indicated as being allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Therefore, new claim 42 is believed to be allowable.

Favorable consideration and allowance of new claims 41 and 42 are respectfully requested.

VI. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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